EL963273742US KONG-21

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

Ling Y. Cheung

Application No.

10/717,137

Confirmation No.:

7246

Filed

November 18, 2003

For

METHODS AND COMPOSITIONS FOR TREATING

EPILEPSY

Examiner

Randall O. Winston

Group Art Unit

1654

New York, New York November 24, 2004

Mail Stop Amendment Hon. Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b) and (c)

ULTRA BIOTECH LIMITED, a corporation having a place of business at 2nd floor, 60 Circular Road, Douglas, Isle of Man, IM1 1SA, represents that it is the assignee of record of the entire right, title and interest, by assignment, of the following:

- 1. United States Patent Application No. 10/717,137 ("the '137 application"), for "METHODS AND COMPOSITIONS FOR TREATING EPILEPSY," filed on November 18, 2003. An assignment to ULTRA BIOTECH LIMITED of the entire right, title and interest in and to the subject matter of the '137 application was recorded in the United States Patent and Trademark Office on April 29, 2004 at Reel/Frame 015273/0205.
- 2. United States Patent No. 6,709,849 ("the '849 patent"), for "DIETARY SUPPLEMENTS FOR REGULATING MALE HORMONE," issued on

Appln. No. 10/717,137

Terminal Disclaimer dated November 24, 2004

Response to August 25, 2004 Office Action

Application No. 10/187,113 ("the '113 application"), filed June 28, 2002. An assignment to ULTRA BIOTECH LIMITED of the entire right, title and interest in and to the subject matter of the '113 application was recorded in the United States Patent and Trademark Office on January 7, 2003 at Reel/Frame 013631/0563.

- 3. United States Patent Application No. 10/717,135 ("the '135 application"), for "METHODS AND COMPOSITIONS FOR TREATING RENAL FAILURE," filed on November 18, 2003. An assignment to ULTRA BIOTECH LIMITED of the entire right, title and interest in and to the subject matter of the '135 application was recorded in the United States Patent and Trademark Office on April 29, 2004 at Reel/Frame 015273/0234.
- 4. United States Patent Application No. 10/717,158 ("the '158 application"), for "METHODS AND COMPOSITIONS FOR TREATING MALE SEXUAL DYSFUNCTION," filed on November 18, 2003. An assignment to ULTRA BIOTECH LIMITED of the entire right, title and interest in and to the subject matter of the '158 application was recorded in the United States Patent and Trademark Office on April 28, 2004 at Reel/Frame 015268/0076.
- 5. United States Patent Application No. 10/717,272 ("the '272 application"), for "METHODS AND COMPOSITIONS FOR TREATING HEPATITIS B," filed on November 18, 2003. An assignment to ULTRA BIOTECH LIMITED of the entire right, title and interest in and to the subject matter of the '272 application was recorded in the United States Patent and Trademark Office on April 28, 2004 at Reel/Frame 015268/0087.

The undersigned, on behalf of ULTRA BIOTECH LIMITED, hereby disclaims the terminal portion of any patent granted on the '137 application which

Appln. No. 10/717,137

Terminal Disclaimer dated November 24, 2004

Response to August 25, 2004 Office Action

would extend beyond the expiration date of the '849 patent, or any patent to be granted on the '135, '158 or '272 application.

The undersigned, on behalf of ULTRA BIOTECH LIMITED, agrees that any patent so granted on the '137 application shall be enforceable only for and during such period that said patent is commonly owned with the '849 patent, and any patent to be granted on the '135, '158 or '272 application, and that this terminal disclaimer is binding upon the grantee of any patent to be granted on the '137 application and its successors and assigns.

The undersigned, on behalf of ULTRA BIOTECH LIMITED, does not disclaim any terminal portion of any patent granted on the '137 application prior to the full statutory term of the '849 patent, and any patent to be granted on the '135, '158 or '272 application, in the event that the '849 patent, or any patent to be granted on the '135, '158 or '272 application subsequently (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), (e) has all claims canceled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned hereby states and certifies that:

1. The undersigned is an agent of record in the '137 application and is authorized to act on behalf of assignee corporation in connection with said application; and

Appln. No. 10/717,137 Terminal Disclaimer dated November 24, 2004 Response to August 25, 2004 Office Action

2. The above-identified assignment documents have been reviewed and, to the best of the undersigned's knowledge and belief, title to the '137 application, the '849 patent, and the '135, '158 and '272 applications is in assignee.

Respectfully submitted,

Haitao Sun (Reg. No. 48,546)

Agent for Applicant Fish & Neave LLP Customer No. 1473

1251 Avenue of the Americas

New York, New York 10020-1104

Tel.: (212) 596-9000